



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Am

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,674	02/10/2004	Steven J. McCarthy	ID-508 (80214)	1134

27975 7590 06/01/2005

ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO, FL 32802-3791

EXAMINER

DALENCOURT, YVES

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,674

Applicant(s)

MCCARTHY, STEVEN J.

Examiner

Yves Dalencourt

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/10/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed on 02/10/2004.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 – 16 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 2, 4 – 7, 9 – 12, and 14 - 16 of copending Application No. 10/775,962. Although the conflicting claims are not identical, they are not patentably distinct from each other because US Application No. 10/775,674 claims an application server and at least one communications device for processing requests from one another, as opposed to the copending Application No. 10/775,962, which claims a plurality of communications devices connected together in a network and having a plurality of user accounts associated therewith; and an application server for accessing the user accounts via said HTTP client application. Thus, it would have been obvious to one having ordinary skill

in the art at the time the invention was made to recognize that both applications are functionally equivalent, since it has been held that omission of an element and its function in a combination where the remaining elements perform the same function as before involves only routine skill in the art.

Claims 2 – 6, 8 – 10, and 12 – 16 US Application No. 10/775,674 are the same as claims 2, 3 – 6, 9 – 10, 12, and 14 – 16 of copending Application No. 10/775,962.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 – 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Binding et al (US 6,775,687; hereinafter Binding).

Regarding claim 1, Binding teaches a communications system (fig. 3B) comprising an application server (item 305, fig. 3B) and at least one communications device for processing requests from one another (item 300, fig. 3B), said at least one

Art Unit: 2157

communications device processing requests using a hypertext transfer protocol (HTTP) client application (col. 7, lines 10 - 20); and an HTTP server for interfacing said HTTP client application with said application server (col. 7, lines 34 - 36); said HTTP server and said HTTP client application formatting requests to be communicated therebetween via the Internet an HTTP format (col. 7, lines 10 - 20), and each providing additional state information with the HTTP formatted requests recognizable by the other for authenticating the application server and said HTTP client application to one another (col. 7, lines 36 - 53; col. 7, line 54 through col. 8, line 23); said HTTP client application requesting first universal resource location (URL) from said HTTP server for accepting work requests from said application server (310, fig. 3C; col. 8, lines 58 - 67), and requesting a second URL different from the first URL from said HTTP server for responding to work requests from said application server (312, fig. 3C; col. 8, line 67 through col. 9, line 5; col. 10, lines 46 - 49).

Regarding claim 2, Binding teaches the communications system of Claim 1, wherein the additional state information comprises a global unique identifier (GUID) associated with said HTTP client application (col. 9, lines 3 - 5; col. 9, lines 30 - 38; col. 11, lines 9 - 13; Binding discloses that additional supplemental information is needed from the client, and a request header identifying the supplemental information needed).

Regarding claim 3, Binding teaches the communications system of Claim 1 wherein said HTTP client application and said HTTP server further provide sequencing information with the HTTP formatted requests (col. 10, lines 1 - 21).

Regarding claim 4, Binding teaches the communications system of claim 1 wherein said HTTP client application and said HTTP server format the additional state information as HTTP headers for respective HTTP formatted requests (col. 8, lines 41 - 44).

Regarding claim 5, Binding teaches the communications system of claim 1 wherein said at least one communications device is within a protected computing environment (col. 8, lines 6 – 23; Binding discloses that suppose that a server, responding to a client's initial request for content protected with access controls, sends a REDIRECT message to the client with a request header asking for the client's password).

Regarding claim 6, Binding teaches the communications system of claim 1 wherein said HTTP server and said HTTP client application communicate via the Internet (col. 7, lines 10 - 24).

Regarding claim 7, Binding teaches a communications system comprising (fig. 3B) an application server (item 305, fig. 3B) and at least one communications device for processing requests from one another (item 300, fig. 3B), said at least one communications device processing requests using a hypertext transfer protocol (HTTP) client application (col. 7, lines 10 - 20); and an HTTP server for interfacing said HTTP client application with said application server (col. 7, lines 34 - 36); said HTTP server and said HTTP client application formatting requests to be communicated therebetween via the Internet in an HTTP format (col. 7, lines 10 – 20), and each providing a global unique identifier (GUID) associated with said HTTP client application with the HTTP

formatted requests for authenticating the application server and said HTTP client application to one another (col. 7, lines 36 – 53; col. 7, line 54 through col. 8, line 23; col. 9, lines 3 – 5); said HTTP client application requesting a first universal resource locator (URL) from said HTTP server for accepting work requests from said application server (310, fig. 3C; col.8, lines 58 - 67), and requesting a second URL different from the first URL from said HTTP server for responding to work requests from said application server, and said HTTP client application and said HTTP server further providing sequencing information with the HTTP formatted requests (312, fig. 3C; col. 8, line 41 through col. 9, line 5; col. 10, lines 46 - 49).

Regarding claim 8, Binding teaches the communications system of claim 7 wherein said HTTP client application and said HTTP server format the additional state information as HTTP headers for respective HTTP formatted requests (col. 8, lines 41 - 44).

Regarding claim 9, Binding teaches the communications system of claim 7 wherein said at least one communications device is within a protected computing environment (col. 8, lines 6 – 23; Binding discloses that suppose that a server, responding to a client's initial request for content protected with access controls, sends a REDIRECT message to the client with a request header asking for the client's password).

Regarding claim 10, Binding teaches the communications system of claim 7 wherein said HTTP server and said HTTP client application communicate via the Internet (col. 7, lines 10 - 24).

Regarding claim 11, Binding teaches a method for interfacing an application server and at least one communications device using a hypertext transfer protocol (HTTP) server (fig. 3B), the application server and the at least one client communications device for processing requests from one another, and the at least one communications device processing requests using an HTTP client application (col. 7, lines 10 – 20 and lines 34 - 36), the method comprising the steps of formatting requests to be communicated between the HTTP server and the HTTP client application via the Internet in an HTTP format (col. 7, lines 10 – 20); providing additional state information with the HTTP formatted requests communicated between the HTTP server and the HTTP client application for authenticating the application server and the HTTP client application to one another, the respective additional state information of the HTTP server and the HTTP client application being recognizable by the other (col. 7, lines 36 – 53; col. 7, line 54 through col. 8, line 23; col. 9, lines 3 – 5); and at the HTTP client application, requesting a first universal resource locator (URL) from the HTTP server for accepting work requests from the application server (310, fig. 3C; col.8, lines 58 - 67), and requesting a second URL different from the first URL from the HTTP server for responding to work requests from the application server (312, fig. 3C; col. 8, line 67 through col. 9, line 5; col. 10, lines 46 - 49).

Regarding claim 12, Binding teaches the method of claim 11 wherein the additional state information comprises a global unique identifier (GUID) associated with the HTTP client application (col. 9, lines 3 – 5; col. 9, lines 30 – 38; col. 11, lines 9 – 13;

Binding discloses that additional supplemental information is needed from the client, and a request header identifying the supplemental information needed).

Regarding claim 13, Binding teaches the method of claim 11 further comprising providing sequencing information with the HTTP formatted requests ().

Regarding claim 14, Binding teaches the method of claim 11 wherein formatting comprises formatting the additional state information as HTTP headers for respective HTTP formatted requests (col. 8, lines 41 - 44).

Regarding claim 15, Binding teaches the method of claim 11 wherein the HTTP server and the HTTP client application communicate via the Internet (col. 7, lines 10 - 24).

Regarding claim 16, Binding teaches the method of claim 11 wherein the at least one communications device is within a protected computing environment (col. 8, lines 6 – 23; Binding discloses that suppose that a server, responding to a client's initial request for content protected with access controls, sends a REDIRECT message to the client with a request header asking for the client's password).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

O'Donnell et al (US 2004/0117615) discloses a granting access rights to unattended software.

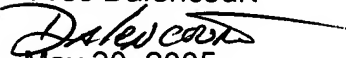
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6: 00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt



May 30, 2005